

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

Criminal No.
04-10307-WGY

* * * * *
UNITED STATES OF AMERICA
v.
STEPHEN DAROSA
* * * * *

SENTENCING EXCERPT

BEFORE: The Honorable William G. Young,
District Judge

1 Courthouse Way
Boston, Massachusetts

July 20, 2006

1 **THE COURT:** Very well.

2 All right. Consistent with the plea agreement,
3 since it is an 11(c)(1)(C) plea, but also because as the
4 judicial officer I am satisfied that the principles of 18
5 United States Code, Section 3553 are accomplished,
6 Mr. Darosa, I impose upon you eleven years in the custody of
7 the United States Attorney General, which sentence is to be
8 followed by five years of supervised release. I impose no
9 fine due to your inability to pay a fine. I impose the \$100
10 special assessment required by the law.

11 You will follow -- you will also comply with the
12 following specific conditions of your supervised released.
13 You'll refrain from any unlawful use of a controlled
14 substance; submit to drug testing not to exceed 104 drug
15 tests per year as directed by the probation office. You
16 will submit to the collection of a DNA sample. You're
17 prohibited from possessing a firearm, destructive device, or
18 other dangerous weapon.

19 Mr. Darosa, this plea has all been worked out and
20 it's for the Court to take it or leave it. It is in the
21 Court's independent judgment, however, a fair and a just
22 sentence. You have a lengthy criminal record. This
23 sentence -- and you are a recidivist; you keep offending.
24 This sentence reflects that.

25 You have the right to appeal, notwithstanding all

1 of this, you have the right to appeal. Should you appeal
2 and should your appeal be successful in whole or in part,
3 this case will be resentenced before another judge.

4 Mr. McCann, should there be an appeal, I want you
5 to file a request for transcript with this Court before
6 filing your notice of appeal so I can turn that around.

7 Do you understand?

8 **MR. McCANN:** I understand, your Honor.

9 (Whereupon the Court and the Clerk conferred.)

10 **THE COURT:** Ms. Smith wants to be clear that I
11 accepted the plea. I believe, as it is my practice in these
12 pleas, I do accept the plea and I have sentenced
13 accordingly.

14 Mr. Moore?

15 **MR. MOORE:** Your Honor, I apologize for
16 interrupting the Court. I just wanted to point out, and the
17 Court went through this pretty thoroughly in April with
18 Mr. Darosa, but there's, in Paragraph 6 of the plea
19 agreement there's a waiver of rights to appeal and bring
20 collateral challenge and --

21 **THE COURT:** There may be.

22 **MR. MOORE:** Yes.

23 **THE COURT:** I'm not so sure I agree with that.

24 **MR. MOORE:** Right.

25 **THE COURT:** I stand on what I say.

1 **MR. MOORE:** Thank you, your Honor.

2 **MR. McCANN:** I understand, your Honor. Thank you.

3 **THE COURT:** That's the sentence of the Court.

4 We'll take a brief recess.

5 **THE CLERK:** All rise.

6 **MR. MOORE:** Thank you, your Honor.

7 (Whereupon the matter concluded.)

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